

4-9-08BTB136857

65100/1044LIT-4649

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

|  |   |                               |
|--|---|-------------------------------|
| JAMES T. SULLIVAN, etc., et al.,       | ) |                               |
|  | ) | No. 08 C 1022                 |
| Plaintiffs,                            | ) |                               |
| v.                                     | ) | Judge James B. Zagel          |
|  | ) |                               |
| KELCODE CORING, LLC,                   | ) | Magistrate Judge Jeffrey Cole |
| an Illinois limited liability company, | ) |                               |
|  | ) |                               |
| Defendant.                             | ) |                               |

**MOTION FOR ENTRY OF JUDGMENT**

NOW COME Plaintiffs, JAMES T. SULLIVAN, etc., et al., by their attorneys,  
DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA M. SIMIONI, and BRIAN T.  
BEDINGHAUS, with LEWIS, OVERBECK & FURMAN, LLP, of counsel, and, pursuant to Fed. R.  
Civ. P. 55, move the Court to enter Judgment in favor of Plaintiffs and against Defendant,  
KELCODE CORING, LLC, in the amount of \$16,927.62. In support hereof, Plaintiffs state:

1. Plaintiffs filed this action on February 19, 2008, seeking a judgment against Defendant confirming and enforcing an arbitration award under ERISA, 29 U.S.C. §§1132 and 1145, and LMRA, 29 U.S.C. §185.
2. Defendant was served with process on March 19, 2008. A true and correct copy of the Return of Service is attached hereto as Exhibit A.
3. Defendant was required to appear and answer on or before April 8, 2008.
4. Defendant has not filed an appearance or answer, and is in default.
5. Award was entered against Defendant in the computed amount of \$11,506.04. A

true and correct copy of Award is attached hereto as Exhibit B.

6. Pursuant to Award and 29 U.S.C. §1132, Plaintiffs' damages are calculated as follows:

|               |   |
|---------------|---|
| \$11,506.04 - | Award;  |
| \$1,180.40 -  | Additional interest at \$147.55/month for period 9/15/08 through date of presentment of this motion, pursuant to Award;   |
| \$4,071.18 -  | Plaintiffs' attorneys' fees and costs through date of preparation of this motion, pursuant to Award (See Affidavit of Douglas A. Lindsay attached hereto as Exhibit C); |
| <hr/>         |   |
| \$16,757.62   |   |

7. Plaintiffs' attorney, Brian T. Bedinghaus, will render an estimated additional 1 hour of legal services, at a rate of \$170.00 per hour, for presentation of this motion.

8. Attached hereto as Exhibit D is a draft Order.

WHEREFORE, Plaintiffs, JAMES T. SULLIVAN, etc., et al., request the Court to enter Judgment in favor of Plaintiffs and against Defendant, KELCODE CORING, LLC, in the amount of \$16,927.62.

JAMES T. SULLIVAN, etc., et al., by their attorneys, DOUGLAS A. LINDSAY, JOHN W. LOSEMAN, LISA M. SIMIONI, and BRIAN T. BEDINGHAUS

By: s/ Brian T. Bedinghaus

Brian T. Bedinghaus  
20 N. Clark Street  
Suite 3200  
Chicago, IL 60602-5093  
312-580-1269

OF COUNSEL:  
LEWIS, OVERBECK & FURMAN, LLP  
20 N. Clark Street  
Suite 3200  
Chicago, IL 60602-5093  
312-580-1200

PROOF OF SERVICE


I served a copy of the foregoing MOTION FOR ENTRY OF JUDGMENT upon:

Kelcode Coring, LLC  
c/o Tracy J. Foss, registered agent  
527 May Street  
Roselle, Illinois 60172

by placing a true and correct copy thereof in a sealed envelope addressed as aforesaid, with postage prepaid, and depositing same in the United States Mail Box at 20 North Clark Street, Suite 3200, Chicago, Illinois on April 18, 2008, before 4:30 p.m.

In accordance with 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 18, 2008

  
CHRISTINE USYAK

OF COUNSEL:  
LEWIS, OVERBECK & FURMAN, LLP  
20 North Clark Street  
Suite 3200  
Chicago, IL 60602-5093  
312.580.1200